IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 726 OF 2006.

Abdul Sattar Sultan Saheb Bagwan
@ Mankavi. ... Appellant.

Versus.

The Commissioner, Sangli Miraj
Kupwad Municipal Corporation & others. ... Respondents.

Ms.Leena Patil holding for Shri P.M.Pradhan for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 28th July, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Appellant. The Second Appeal is admitted on the following substantial question of law.:

i) Whether the Appellate Court was justified in holding that the suit filed by the Appellant was barred by sub-rule (4) of Rule 1 of Order XXXIII of the Code of Civil Procedure, 1908 inasmuch as the present suit was filed simplicitor for injunction ?

2. Printing is dispensed with. The Appellant is directed to file private paper book along with sufficient number of copies thereof within a period of one year from today. If the paper book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further

reference to the Court.

3. In addition to service through Court, the Advocate for the Appellant is directed to serve private notice to the Respondents by Registered Post A.D. and/or Speed Post A.D. and/or by hand delivery.

Hamdast allowed.

Judge.